

OGC HAS REVIEWED.

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*Tort Claims*

Files

6 August 1948

Office of the General Counsel

Tort Claims in Favor of the Government

1. Tort claims against the Government are regulated by the Federal Tort Claims Act. There is no specific provision, however, in the statutes or appropriate opinions of the Comptroller General in regard to collection of tort claims in favor of the Government by agencies other than GAO or Justice.

2. The problem of handling tort claims that seems to be clearly in favor of the Government was discussed today with Mr. McKinley of the Comptroller General's office. There have occasionally been -- and will certainly continue to be -- small claims in favor of the Government resulting from automotive accidents. When the case is apparently in our favor, and the damages are liquidated, Mr. McKinley saw no objection to our processing the claim and attempting to secure a recovery of the cost. No arbitrary monetary ceiling was established, but the advisability of action by this Agency alone will be left to our discretion. If the case presents any question on the actual amount of damages involved, or if a negotiated settlement appears implausible, the case will be forwarded to the General Accounting Office for collection and possible negotiation by Justice.

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